

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

WILLETTA E. TOWNSEND,

Petitioner,

v.

ANGELA MESMER,

Respondent.

No. 2:19-CV-00080 JCH

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Appointment of Counsel, Doc. [12]. For the reasons stated below, the motion will be denied without prejudice.

I. Appointment of Counsel

A *pro se* litigant has no statutory or constitutional right to have counsel appointed in a civil case. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). A district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). When determining whether to appoint counsel for an indigent litigant, a court considers relevant factors such as the legal and factual complexity of the case, the ability of the *pro se* litigant to investigate the facts and present her claim, and the existence of conflicting testimony. *Phillips*, 437 F.3d at 794.

After considering these factors, the undersigned finds that the appointment of counsel is not warranted at this time. In the instant case, Petitioner's grounds for habeas relief do not appear to be factually or legally complex. Additionally, Petitioner has thus far been able to

articulate her claims in a clear and concise manner. Because Petitioner has demonstrated that she can adequately present her claims without an attorney, the Court finds that the interests of justice do not warrant appointment of counsel at this time.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's Motion for Appointment of Counsel, Doc. [12], is **DENIED** without prejudice.

Dated this 11th day of March, 2021.

/s/ Jean C. Hamilton

JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE